

EXHIBIT 4

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13 Attorneys for Defendants
 UBER TECHNOLOGIES, INC.
 14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
 19 Plaintiff,
 20 v.
 21 UBER TECHNOLOGIES, INC.,
 22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
 23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
 TECHNOLOGIES, INC. AND
 OTTOMOTTO LLC’S OBJECTIONS
 AND RESPONSES TO WAYMO’S
 FIRST SET OF EXPEDITED
 REQUESTS FOR PRODUCTION
 PURSUANT TO PARAGRAPH SIX
 OF MAY 11, 2017 PRELIMINARY
 INJUNCTION ORDER (NOS. 1-9)**

Trial Date: October 2, 2017

1 doctrine, and common interest privilege. Defendants further object to this Request to the extent it
2 seeks information or materials not within Defendants’ possession, custody, or control.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 All DOCUMENTS REGARDING any “written consent” provided pursuant to Section 5.6
5 or 6.8 of the Agreement and Plan of Merger, dated April 11, 2016.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

7 Defendants respond there are no documents responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 8:**

9 All documents regarding potential or actual “Pre-Signing Bad Acts” as defined in the
10 ACQUISITION DOCUMENTS, including by Levandowski.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

12 Defendants object to this Request because it calls for materials protected by the attorney-
13 client privilege, work product doctrine, and common interest privilege. In particular, this Request
14 relates to the issue that is presently before the Court in Waymo’s motion to compel. As stated
15 during a call among the parties and the Special Master on June 3, 2017, to the extent responsive
16 documents exist, Defendants will produce or log them at a reasonable time following a judicial
17 resolution of the disputed issue. Defendants further object that the Request is overbroad, not
18 “reasonably narrow,” and not proportional to the needs of the case insofar as it seeks documents
19 pertaining to anyone other than Mr. Levandowski, seeks “all” documents, and seeks documents
20 about “potential” acts (though Waymo agreed to delete “potential” as a result of a meet-and-
21 confer regarding these Requests).

22 **REQUEST FOR PRODUCTION NO. 9:**

23 All COMMUNICATIONS between UBER and OTTOMOTTO REGARDING any
24 disclosures by OTTOMOTTO of a breach of representation or warranty or covenant in the
25 Agreement and Plan of Merger, dated April 11, 2016, including whether OTTOMOTTO engaged
any disclosures of [sic] whether OTTOMOTTO engaged in any “bad acts.”

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

27 Defendants respond there are no documents responsive to this Request.
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1 Dated: June 5, 2017

MORRISON & FOERSTER LLP

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3 By: /s/ Arturo J. González
4 ARTURO J. GONZÁLEZ

5 Attorneys for Defendants
6 UBER TECHNOLOGIES, INC.
7 and OTTOMOTTO LLC
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